

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 51120

Kathleen Marie DeVaughn

1818 Kinship Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on July 1, 2009 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 35-5-302 (b)(1); 13-7-310, 312, failure to repair siding on house, failure to remove all junk, trash and debris on residential property known as 1818 Kinship Road, 21222.

On June 1, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Buc Thompson issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$5,000.00 (five thousand dollars).

The following persons appeared for the Hearing and testified: Kathleen DeVaughn, Respondent with Heather Hollingsworth and, Buc Thompson, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. This Citation was issued June 1, 2009. Previously, multiple Citations have been issued and enforced for similar violations. A \$500.00 (five hundred dollars) lien was imposed on May 27, 2009 and a \$2,000.00 (two thousand dollars) lien was imposed on June 1, 2009 after Respondent failed to appear for Hearings and failed to comply with issued Final Orders directing that missing siding be restored to the rear wall of the house.

B. Respondent Kathleen DeVaughn testified that she lives in the house with her disabled grandson. She testified that the house is actually stucco, like other houses on the street, and that she removed damaged vinyl siding and wants to restore the stucco to the rear wall. She further testified that she has not been able to afford all the necessary repairs on her limited income. She agreed that the wiring on the rear wall also needs to be repaired or removed.

C. Because compliance is the goal of code enforcement, and Respondent has committed to make necessary efforts to repair the house, the prior civil penalties will be rescinded and additional time will be provided for repairs. Respondent has been given information about County programs available to assist homeowners with home improvements and repairs. Respondent must repair the rear wall of the house and make it weathertight, either with siding or stucco and paint, to comply with County Code requirements.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the rear wall is repaired by October 1, 2009. If the Respondent fails to correct the violations by that date, the civil penalty shall be imposed.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the civil penalties imposed by Final Orders dated May 5, 2009 and January 16, 2009, totaling \$2,500.00 (two thousand five hundred dollars), are RESCINDED and the associated tax liens shall be REMOVED.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 7TH day of July 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.